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Entered -01-21-98 - sb  
CL97L0819 -GWENDOLYN BURNS

00-R-0805

CLAIM OF: WILLIE R. BURTON, JR.  
1232 Simpson Rd., NW, Apt. 1  
Atlanta, GA 30314

For damages alleged to have been sustained as a  
result of a property damage incident on  
November 21, 1997 at 1232 Simpson Road, NW,  
Apt. 1.

THIS ADVERSED REPORT IS  
APPROVED

BY: Rosalind Rubens Newell  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

DVERSE REPORT

2001 P.S. & L.A.

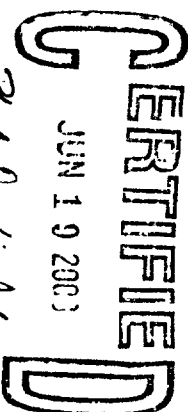
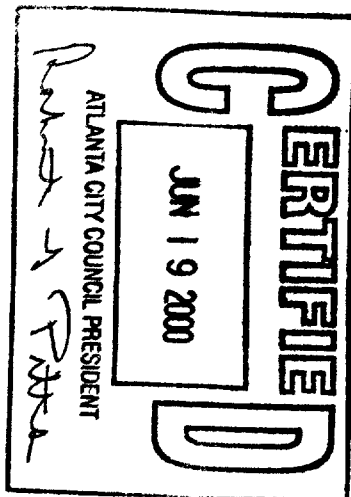
6/13/00

C. T. Martin

Cela Thomas

Wendolyn Burns

Willie R. Burton, Jr.



Rosa A. Pata  
MUNICIPAL CLERK

ADVERSED BY  
CITY COUNCIL JUN 19 2000



**CITY OF ATLANTA  
OFFICE OF MUNICIPAL CLERK**

**RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK**

**55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103**

June 27, 2000

Willie R. Burton, Jr.  
1232 Simpson Rd., NW  
Apartment 1  
Atlanta, GA 30314

**00-R-0805**

Dear Mr. Burton:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on June 19, 2000. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Sincerely,

*Rhonda Dauphin Johnson*

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

**cc: Claims Division/Law Department**

**DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY**

Claim No. 97L0819

Date: June 1, 2000

Claimant /Victim WILLIE R. BURTON, JR.

BY: (Atty) (Ins. Co.) \_\_\_\_\_

Address: 1232 Simpson Road, NW, Apt. 1, Atlanta, Georgia 30314

Subrogation: \_\_\_\_\_ Claim for Property damage \$ \_\_\_\_\_ Bodily Injury \$ Unspecified

Date of Notice: 1/21/98 Method: Written, Proper X Improper \_\_\_\_\_

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 11/21/97 Place: 1232 Simpson Road, NW

Department PUBLIC WORKS Division Sewer Operations

Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

NATURE OF CLAIM: Claimant alleges that he sustained damages when the creek in the rear of his apartment overflowed into his apartment. However, claimant has failed to pursue his claim.

**INVESTIGATION:**

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral \_\_\_\_\_

Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report \_\_\_\_\_ Other X

Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

**BASIS OF RECOMMENDATION:**

Function: Governmental X Ministerial \_\_\_\_\_

Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other X Damages reasonable \_\_\_\_\_

City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_

Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_

Claimant Negligent \_\_\_\_\_ City Negligent \_\_\_\_\_ Joint \_\_\_\_\_ Claim Abandoned X

Respectfully submitted,

  
INVESTIGATOR - GWENDOLYN BURNS

**RECOMMENDATION:**

Pay \$ \_\_\_\_\_ Adverse X Account charged: 1A01 \_\_\_\_\_ 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_

Claims Manager:  Concur/date 06-01-00

Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

COUNCIL OF THE CITY OF ATLANTA  
MUNICIPAL CLERK

City Hall  
55 Trinity Avenue, S.W.  
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

Today's Date: 1/2/98

ENTERED - 1-21-98 - SB  
97L0819 - ANTHONY OATIS

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$5000.00 property and/or \$2000.00 bodily injury for which I contend the City is liable.

1. Date of incident: 11/21/97 (month/day/year) 2. Time of Incident: 9:30 P.M. 3. Police called: ✓ FIRE DEPT  
Yes No
4. Location of incident (including street address): 1232 Simpson Rd, NW Apt. 1 Atlanta, GA 30314
5. Name of your insurance company: UNITED INSURANCE Co. Policy No. 03469575
6. State what and how incident occurred: IT WAS RAINING CONSTANTLY VERY HARD OVER A PROLONGED PERIOD OF TIME. DUE TO THE CIRCUMSTANCES IT CAUSED FLASH FLOODING AROUND THE APT. BUILDING, THE CREEK IN THE BACK OF THE BUILDING IT OVERFLOWED INTO MY APT MESSING UP FLOORS, CARPETS, FURNITURE, CLOTHES, APPLIANCES, RAW SEWAGE ALSO CAME IN.
7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!
8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).
- Your vehicle: \_\_\_\_\_  
(Make) (Year) (Tag Number) (Driver's Name)
- City vehicle: \_\_\_\_\_  
(Make) (City Driver's Name) (Department/Bureau)
9. Witness: \_\_\_\_\_  
(Name) (Address) (Telephone Number)
10. The acknowledgement of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employees).
11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Willie R. Burton, Jr.  
Signature of Claimant

Willie R. Burton, Jr.  
(Print Claimant's Name)

1232 Simpson Rd, NW Apt. 1  
(Address)

Atlanta, GA 30314  
(City, State and Zip Code)

N/A (404) 753-2577  
(Work Number) (Home Number)

(4) 753-2440

00-R-0805

RCS# 2016  
6/19/00  
2:32 PM

Atlanta City Council

Regular Session

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Consent Agenda Pages (1 - 8)

ADOPT

SEE ATTACHED LISTING OF  
ITEMS ADOPTED/ADVERSED  
ON CONSENT AGENDA

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 2

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	B Maddox	Y Alexander
B Winslow	Y Muller	Y Boazman	NV Pitts

ITEM (S) REMOVED FROM  
CONSENT AGENDA  
00-O-0795  
00-R-0831

PRESIDENT PITTS RECUSED ON 00-  
O-0756.

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<b>06/19/00 Council Meeting</b>	
<b>ITEMS ADOPTED ON CONSENT AGENDA</b>	<b>ITEMS ADVERSED ON CONSENT AGENDA</b>
<ol style="list-style-type: none"> <li>1. 00-O-0756*</li> <li>2. 00-O-0626</li> <li>3. 00-O-0749</li> <li>4. 00-O-0760</li> <li>5. 00-O-0829</li> <li>6. 00-O-0836</li> <li>7. 00-O-0709</li> <li>8. 00-O-0710</li> <li>9. 00-R-0750</li> <li>10. 00-R-0817</li> <li>11. 00-R-0839</li> <li>12. 00-R-0529</li> <li>13. 00-R-0813</li> <li>14. 00-R-0717</li> <li>15. 00-R-0823</li> <li>16. 00-R-0841</li> <li>17. 00-R-0819</li> <li>18. 00-R-0822</li> <li>19. 00-R-0828</li> <li>20. 00-R-0810</li> <li>21. 00-R-0856</li> </ol>	<ol style="list-style-type: none"> <li>22. 00-R-0796</li> <li>23. 00-R-0797</li> <li>24. 00-R-0798</li> <li>25. 00-R-0799</li> <li>26. 00-R-0800</li> <li>27. 00-R-0801</li> <li>28. 00-R-0802</li> <li>29. 00-R-0803</li> <li>30. 00-R-0804</li> <li>31. 00-R-0805</li> <li>32. 00-R-0806</li> <li>33. 00-R-0807</li> <li>34. 00-R-0808</li> <li>35. 00-R-0809</li> </ol> <p><b>*PRESIDENT PITTS RECUSED ON 00-O-0756.</b></p>